

CIVIL DOCKET
UNITED STATES DISTRICT COURT

Jury demand date: 2-10-71 (pltf)

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<p>Larry Castleberry, Affiliated F. M. Insurance Company, a foreign insurance corporation vs Intervening Plaintiff NRM Corporation, a foreign corporation, American Mutual Liability Insurance Company, a foreign insurance company, Affiliated F. M. Insurance Company, a foreign insurance company, and Robert Carpenter</p> <p>"Attorneys Lien Claimed"</p>		<p>For plaintiff: 2249132 Jack B. Sellers and Allen B. Mitchell 300 East Lee Sapulpa, Oklahoma 74066 Gene H. Hemry (Affiliated) 1355 First National Center Okla. City, Okla.</p> <p>For defendant: William S. Hall & Green & Feldman 316 Enterprise Building Tulsa, Okla. 74103 583-7129 Gene H. Hemry 1355 First National Building Oklahoma City, Okla. 73102 Rucker & Tabor Box 1439, Tulsa, Okla.</p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 3-1-71	Clerk	2-1-71	Henry	15 00	
		2-4-71	C.D.No. 35		15 00
		2-25-72	Sellers	5 00	
		3-2-72	C.D.No.39		5 00
J.S. 6 mailed 12-1-71	Marshal				
Basis of Action: Injuries caused by faulty machine sold and installed by defendants	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-1-71	Petition for removal from the district Court of Creek County, Sapulpa Division, Oklahoma, filed. b	
2-1-71	Bond of defendants on removal, filed, in sum of \$500.00, Surety - Fidelity and Deposit Company of Maryland, filed. b	
2-1-71	Notice of filing of petition and bond for removal by joint defendants, filed. b	
2-1-71	Motion of defendant, Robert Carpenter to dismiss or in the alternative, to grant a Summary Judgment, filed. b	
2-1-71	Brief in support of petition for removal, motion to dismiss, or in the alternative, to grant a summary judgment of Robert Carpenter, filed. b	
2-1-71	Separate answer of defendant NRM Corporation, A Foreign Corporation, filed. b	
2-1-71	Separate answer of Affiliated F. M. Insurance Company, filed. b	
2-1-71	Acknowledgement of the Clerk of the District Court in and for Creek County, Sapulpa Division, Oklahoma, of receipt of copies of all pleadings on removal, filed. b	
2-2-71	Answer of defendant, American Mutual Liability Insurance Co, filed. ds	
2-10-71	Motion to dismiss defendants American Mutual Liability Insurance Co. and affiliated F. M. Insurance Company, with brief attached, filed. ds	
2-10-71	Plaintiff's demand for jury trial, filed. ds	
2-10-71	Response to motion to dismiss Robert Carpenter, by plaintiff, filed. ds (brief attached)	
2-10-71	Ordered by the court that defendants respond to plaintiff's motion to dismiss defendants American Mutual Liability Insurance Co. and affiliated F. M. Insurance Company. (AEB-J) ds	
2-18-71	Response of Defendant NRM Corp. to Plaintiff's Motion to Dismiss defts American Mutual Liability Insurance Company and Affiliated F.M. Ins. Co., Filed. r	
2-23-71	Response of Deft Affiliated F. M. Ins. Co.; to Motion to Dismiss to plaintiff's Motion to Dismiss Deft. Affiliated F.M. Ins. Co. filed. js	
3-15-71	Order sustaining deft. Robert Carpenter's motion to dismiss cause of action as to him, filed & entered. (AEB-J)m (copies mailed)	
3-15-71	Order sustaining pltf's motion to dismiss the defts. American Mutual Liability Cins. Co. and Affiliated F.M. Insurance Company, filed and entered. (AEB-J)m (copies mailed)	
6-18-71	Parties directed to hold pre-trial prior to 7-16-71 and file pre-trial order not later than 7-23-71. (AEB-J) v	
7-23-71	Motion of plaintiff for additional time to file pre-trial order, filed. v	
7-23-71	Order granting an extension of time to file pre-trial order for 10 additional days from 7-23-71 to 8-2-71, filed. (JHP-CC) v	
8-11-71	Deposition of Larry Castleberry, taken by Jean Morrow, CSR, on behalf of defendant, filed. (\$45.00 pd by defendant.) ds	
8-18-71	Pre-trial Order, filed. (AEB-J) v	
9-2-71	Order by the Court that this case is set for Jury Trial on Wednesday, 10-18-71, at 10:00 A. M.. (AEB-J) v	
9-13-71	Motion for leave to intervene of Affiliated F.M. Ins. Co., filed. m	
9-15-71	Brief in support of motion for leave to intervene, filed. m	
9-22-71	Plaintiff's response to motion for leave to intervene, filed. ds	
9-24-71	Order allowing Affiliated F.M. Insurance Company to intervene as a party pltf., filed. (AEB-J)m (copies mailed)	
9-24-71	Petition of intervening plaintiff, filed. m	
10-8-71	Memorandum Brief of Defendant NRM Corporation, filed. v	

-continued-

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-12-71	Deposition of Donald Henry Smith, taken on behalf of plaintiff, filed. g (\$51.00)	
10-12-71	Deposition of Herbert Lee Brown, Thomas Gerald Emerson, Howard Woodrum and Wm. H. Wilson, Jr. taken by defendants, filed. (\$142.00)g	
11-1-71	Ordered that case is transferred to Judge Howard C. Bratton. (AEB-J)m	
11-1-71	Plaintiff's Memorandum of Authorities, filed. v	
11-1-71	Return on Civil Subpoena, filed.	
11-1-71	Served Thomas Gerald Emerson on Oct. 30, 1971, in Sapulpa, Okla. -v-	
11-1-71	Return on Civil Subpoena, filed. Served Edward K. Norfleet, M.D., in Sapulpa, Okla., on 10-30-71. v	
11-1-71	Return on Civil Subpoena, filed. Served Richard Barbee, M.D., in Sapulpa, Okla., on 10-30-71. v	
11-1-71	Return on Civil Subpoena to produce document or object, filed. Served Mr. Joyce Galloway in Sapulpa, Okla. on 10-30-71. v	
11-2-71	Pltf's requested instructions, filed. m	
11-1-71	Case tried to a jury Nov. 1, 2 & 3. Pltf. present & parties represented. Jury returns with verdict Nov. 3 for the deft. Verdict ordered received, read & filed in open Ct. Jury polled. All jurors concur except one. Jury ordered to continue deliberating until a unanimous verdict is reached. (12:40 P.M. 11-3-71) Jury returns to Court with verdict for deft. Verdict ordered received, read & filed in open Court. Jury polled. Jury discharged. Pltf. renews motion for mistrial. Clerk to withhold entering judgment until 11-5-71 when Court will enter an order and parties to file any desired pleadings by noon 11-5-71. (Howard C. Bratton-Judge; Margaret M. Wilkins, CSR)m	
11-3-71	Verdict (No. 1) for the deft., filed in open court. m	
11-3-71	Verdict (No. 2) for the deft., filed in open court. m	
11-3-71	Question from jury, filed in open court. m	
11-3-71	Trial exhibits, filed. m	
11-3-71	Instructions to the Jury, filed in open court. m	
11-4-71	Pltf's renewed motions for mistrial, filed. m (with brief) mailed	
11-4-71	Pltf's motion for new trial, with brief, filed. m mailed	
11-4-71	Pltf's motion for extension of time to file supplemental memorandum brief supporting motions, with brief supporting motion, filed. m	
11-4-71	Pltf's memorandum brief in support of motions, filed. m mailed	
11-5-71	Order, filed, directing Clerk to enter judgment this date in accordance with jury verdict; ordered that this order is not a ruling on pltf's motion for new trial; ordered that pltf. is granted 20 days from this date to renew his motion for new trial or to file a new motion for new trial & that pltf. shall file at same time brief in support of any motion filed; and that deft. shall have 15 days to respond to any motion pltf. files & pltf. shall have 5 days thereafter to reply. (Howard Bratton-Judge)m (copies mailed)	
11-5-71	Judgment on jury verdict, filed and entered, that pltf. take nothing & deft. recover of pltf. its costs of action. (JHP-Clerk)m (copies mailed)m	
11-15-71	Partial transcript of testimony, filed. m	
11-15-71	Amended motion for new trial, with brief supporting motion, filed. m (and affidavit attached) mailed	
12-1-71	Response and Brief of Defendant to Plaintiff's Amended Motion for New Trial, filed. v mailed	
12-14-71	Supplemental and reply memorandum of law, filed. m mailed	
1-17-72	Memorandum opinion, filed. (Howard Bratton-Judge)hm (copies mailed)	
1-17-72	Order, filed and entered, that pltf's motions for a mistrial and for a new trial are denied. (Howard Bratton-Judge)hm (copies mailed)	
1-19-72	Partial transcript of proceedings, filed. hm	

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-16-72	Notice of appeal by plaintiff, filed.(cpy to USCA, Wm.Hall, & Hemry)g	
2-16-72	Bond on appeal (\$250.00 cash), filed. g	
2-25-72	Designation of transcript of proceedings for inclusion on record on appeal, filed. g	
3-20-72	Order extending time for filing and docketing appeal to 3/29/72. (HB-J)rm	
3-27-72	Transcript of opening statements and closing arguments, filed. (Margaret M. Wilkins, Ct. Repr.) rm	
3-27-72	Transcript of testimony and proceedings, in two volumes, file. (Margaret M. Wilkins, Ct. Repr.)rm	
3-27-72	Appeal record, in 5 volumes, sent to USCA. rm	
12-26-72	Mandate and Opinion of USCA, 10th Circuit, affirming judgment of 11/5/71, filed and spread of record. rm	
1-3-73	Pltf's motion for order directing clerk to disburse appeal bond, filed.hm	
1-3-73	Order filed, to disburse cash appeal bond. (AEB-J)r (Copies mailed)	otoj
1-19-73	Appeal record (5 vols.) recd from USCA. g	